

REMARKS

This Amendment is fully responsive to the non-final Office Action dated December 8, 2008, issued in connection with the above-identified application. Claims 1-15, 17-22, 24-26 and 28-37 were previously pending in the present application. With this Amendment, claims 1, 7, 17, 24-26, 33, 43, 36 and 37 have been amended; claims 9, 10, 19, 21, 30-32 and 35 have been canceled without prejudice or disclaimer to the subject matter therein; and claims 38-44 have been added. Accordingly, claims 1-8, 11-15, 17, 18, 20, 22, 24-26, 28, 29, 33, 34 and 36-44 are now pending in the present application. No new matter has been introduced by the amendments made to the claims, or by the new claims added. Favorable reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Shin for granting the telephone interview (hereafter “interview”) conducted with the Applicants’ representative on February 11, 2009. During the interview, the distinguishable features between the present invention (as recited in independent claim 1, as an exemplary independent claim) and the cited prior art were discussed in more detail.

In particular, it was noted that the present invention includes a memory card with a judging unit that judges whether the received commodity information was issued from an information provider that bears the cost of the memory card; and a writing unit that, only if the judgment is affirmative, writes the received commodity information to a commodity information storage area for the purpose of displaying to a user. It was noted that no such features are believed to be disclosed or suggested by the cited prior art.

The possibility of amending the claims to remove any optional language (i.e., “operable to”) was also discussed. It was further noted that various limitations of the independent claims include functional language (i.e., as opposed to “intended use”) which defines what each element does rather than what it is, and such limitations must be construed and considered like any other limitation in the claim (see MPEP §2173.05(g)). Moreover, the possibility of amending the independent claims to include additional limitations of claims 9 or 10 was also discussed.

At the conclusion of the interview, the Examiner suggested that if the independent claims were amended to include the features of claim 9 or 10, the present invention would likely be distinguished over the cited prior art. However, Examiner also indicated that further search and

consideration of the claim amendments would be necessary prior to making a final determination regarding the allowability of any claims.

In Office Action, claims 1, 2, 7-9, 13-19, 23, 26 and 32-37 have been rejected under 35 U.S.C. 102(e) as being anticipated by Long (U.S. Publication No. 2002/0007310, hereafter “Long”).

The Applicants have canceled claims 9, 10, 19, 32 and 35 thereby rendering the above rejections to those claims moot. Additionally, claim 16 was previously canceled. The Applicants have also amended independent claims 1, 7, 17, 33, 34, 36 and 37 to help further distinguish the present invention from the cited prior art. In particular, the Applicants have amended independent claims 1, 7, 17, 33, 34, 36 and 37 to include the features of dependent claim 9 and to remove any optional language in the claims (e.g., “operable to”), as suggested by the Examiner during the interview conducted on February 11, 2009.

For example, independent claim 1 recites the following features:
An information distribution system for distributing information from an information provider to a user, comprising:

“[a]n information distribution device that distributes commodity information that serves as an advertisement for a commodity; and

a communication terminal that receives the commodity information, and outputting the received commodity information to a memory card,

the memory card being portable and mounted on said communication terminal, wherein the memory card is provided to the user at a cost borne at least partly by the information provider, and includes:

a storage unit having a storage area for commodity information;

a judging unit configured to judge whether the received commodity information was issued from the information provider that bears the cost of the memory card at least partly; and

a writing unit configured, only if the judgment is affirmative, to write the received commodity information to the commodity information storage area for a purpose of displaying to the user, and wherein

the commodity information includes a first provider ID identifying an information

provider that issued the commodity information,

said receiving unit receives the commodity information that includes the first provider ID,

said judging unit prestores a second provider ID identifying the specific information provider, extracts the first provider ID from the received commodity information, and judges whether the received commodity information was issued from the specific information provider, by matching the first provider ID against the second provider ID, and

said writing unit writes the received commodity information to the commodity information storage area if the first and second provider IDs match.” (Emphasis added).

The features noted above in independent claim 1 are similarly recited in independent claims 7, 17, 33, 34, 36 and 37 (as amended). That is, as noted above, independent claims 7, 17, 33, 34, 36 and 37 have also been amended to include the features of claim 9 (now canceled).

At the conclusion of the interview conducted on February 11, 2009, the Examiner indicated that if the independent claims were amended to include the features of claim 9 or 10, the present invention would likely overcome the cited prior art. As noted above, independent claims 1, 7, 17, 33, 34, 36 and 37 have been amended to include the features of dependent claim 9. As amended, independent claims 1, 7, 17, 33, 34, 36 and 37 should now be clearly distinguishable over Long.

Briefly, in Long, the advertising information is stored to the storage device regardless of whether the advertiser bears the cost of the storage device. To that end, there is a risk that the capacity of the storage device is used to store advertising information of advertisers not bearing any cost of the storage device and thus not contributing toward the widespread use of memory cards.

On the other hand, in the present invention (as similarly recited in claims 1, 7, 17, 33, 34, 36 and 37) the users are provided with memory cards at no or low cost. Further, by virtue of the features of the judging unit and the writing unit, the capacity of the memory card being used to store advertisement information issued by information providers not bearing any cost of the memory card and thus not contributing toward the widespread use of memory cards is prevented.

Based on the above discussion, independent claims 1, 7, 17, 33, 34, 36 and 37 are not anticipated or rendered obvious by Long. Likewise, claims 2, 8, 13-15 and 18 are not anticipated

or rendered obvious at least by virtue of their respective dependencies from independent claims 1, 7, and 17.

With regard to independent claim 26, the Applicants assert that the claim (as previously presented) includes sufficient features to distinguish the claim from Long. Claim 26 recites the following features:

“[a]n information distribution device for distributing information issued from an information provider to a user, comprising:

a transmitting unit operable to transmit, via a communication terminal, commodity information issued from the information provider to a memory card that is provided to the user, wherein

the information distribution device generates, when receiving write-indicated information from the memory card, an electronic ticket having a monetary value based on the received write-indicated information, the write-indicate information indicating that the memory card has written the commodity information, and

said transmitting unit securely transmits the electronic ticket to the memory card via the communication terminal.” (Emphasis added).

In the Office Action, the Examiner also relies on Long for disclosing or suggesting the features recited in claim 26. However, Long (at best) discloses that coupon information is automatically sent to the portable electronic device and that the coupon information is stored in local memory. Long fails to disclose any component that generates an electronic ticket based on the received write-indicate information. Thus, using the system in Long, it is not possible to generate an electronic ticket based on the received coupon information, so as to encourage the user to retrieve commodity information.

On the other hand, according to the present invention (as recited in claim 26) an electronic ticket having a monetary value is generated based on the received write-indicate information, which encourages the user to retrieve commodity information. Based on the above discussion, independent claim 26 is not anticipated or rendered obvious by Long.

In the Office Action, claims 30 and 31 have been rejected under 35 U.S.C. 102(e) as being anticipated by Hung (U.S. Patent No. 7,257,545, hereafter “Hung”). The Applicants have herein canceled claims 30 and 31, thereby rendering the above rejection to that claim moot.

In the Office Action, claims 3, 4, 11, 25, 27, 28 and 29 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Hung. Claim 27 was previously canceled thereby rendering the above rejection to that claim moot.

Additionally, claims 3 and 4 depend from independent claim 1; claim 11 depends from independent claim 7; and claims 28 and 29 depend from independent claim 26. As noted above, Long fails to disclose or suggest all the features recited in independent claims 1, 7 and 26. Additionally, Hung fails to overcome the deficiencies noted above in Long. Accordingly, no combination of Long and Hung would result in, or otherwise render obvious, claims 3, 4, 11, 28 and 29 at least by virtue of their respective dependencies from independent claims 1, 7, and 26.

With regard to independent claim 25, the claim (as previously presented) is believed to recite sufficient features of dependent claim 9 (i.e., ID comparison) to be clearly distinguishable over Long in view of Hung. Claim 25 recites the following features:

“[a] memory card for storing information distributed from a specific information provider to a user, the memory card being portable and mounted on a communication terminal and provided to the user at a cost borne at least partly by the specific information provider, comprising:

a storage unit having a storage area for commodity information issued from the information provider, and a storage area for an electronic ticket having a monetary value;

a first transmitting-receiving unit configured to receive a first provider ID identifying the specific information provider from the information distribution device via the communication terminal;

a first writing unit configured to write the received first provider ID to the commodity information storage area;

a second transmitting-receiving unit configured to receive from the information distribution device via the communication terminal, commodity information that includes a second provider ID identifying information provider that issued commodity information to be received;

a judging unit configured to judge whether the second provider ID matches the first provider ID that identifies the specific information provider bearing the cost of the memory card at least partly;

a second writing unit configured, only if the first and second provider IDs match, to receive the commodity information and write the received commodity information to the commodity information storage area for a purpose of displaying to the user;

a third transmitting-receiving unit configured to transmit to the information distribution device via the communication terminal, write-indicate information indicating that the commodity information has been written, and securely receive an electronic ticket generated by the information distribution device for a monetary value based on the write-indicate information; and

a third writing unit configured to write the received electronic ticket to the storage unit.”
(Emphasis added).

At the conclusion of the interview conducted on February 11, 2009, the Examiner indicated that if the independent claims were amended to include the features of claim 9 or 10, the present invention would likely overcome the cited prior art. As noted above, independent claim 25 (as previously presented) recites sufficient features of dependent claim 9 (i.e., ID comparison) to be clearly distinguishable of Long in view of Hung. Accordingly, no combination of Long and Hung would result in, or otherwise render obvious, independent claim 25.

In the Office Action, claims 5, 6, 12 and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Coffin (U.S. Publication No. 2003/0172376, hereafter “Coffin”).

Claims 5 and 6 depend from independent claim 1; and claim 12 depends from independent claim 7. As noted above, Long fails to disclose or suggest all the features recited in independent claims 1 and 7, as amended. Additionally, Coffin fails to overcome the deficiencies noted above in Long. Accordingly, no combination of Long and Coffin would result in, or otherwise render obvious, claims 5, 6 and 12 at least by virtue of their respective dependencies from independent claims 1 and 7.

With regard to 24, the claim (as previously presented) is believed to recite sufficient features of dependent claim 9 (i.e., ID comparison) to be clearly distinguishable over Long in view of Coffin.

Claim 24 recites the following features:

“[a] memory card for storing information transmitted from a specific information provider to a user, the memory card being portable and mounted on a communication terminal and provided to the user at a cost borne at least partly by the specific information provider, wherein

the memory card is provided to the user based on a lease in return for regular payments of a lease fee to the information provider,

the memory card comprising:

a storage unit having a storage area for commodity information issued from the specific information provider, and a storage area for an electronic ticket having a monetary value;

a first transmitting-receiving unit configured to receive a first provider ID identifying the specific information provider from the information distribution device via the communication terminal;

a first writing unit configured to write the received first provider ID to the commodity information storage area;

a second transmitting-receiving unit configured to securely transmit, on a regular basis, an electronic ticket having a monetary value equivalent to the lease fee to the information distribution device via the communication terminal;

a third transmitting-receiving unit configured to receive from the information distribution device, commodity information that includes a second provider ID identifying an information provider of the commodity information;

a judging unit configured to judge whether the second provider ID matches the first provider ID that identifies the specific information provider bearing the cost of the memory card at least partly;

a second writing unit configured to write, only if the first and second provider IDs match, the received commodity information to the commodity information storage area for a purpose of displaying to the user;

a fourth transmitting-receiving unit configured to reduce the lease fee by a predetermined amount when the commodity information is written, and securely transmit to the information distribution device via the communication terminal, an electronic ticket having a monetary value equivalent to the post-reduction lease fee; and

a third writing unit configured to deducts the transmitted monetary value from the electronic ticket stored in the storage unit.” (Emphasis added).

At the conclusion of the interview conducted on February 11, 2009, the Examiner indicated that if the independent claims were amended to include the features of claim 9 or 10, the present invention would likely overcome the cited prior art. As noted above, independent claim 24 (as previously presented) recites sufficient features of dependent claim 9 (i.e., ID comparison) to be clearly distinguishable of Long in view of Coffin. Accordingly, no combination of Long and Coffin would result in, or otherwise render obvious, independent claim 24.

In the Office Action, claims 10, 20, 21 and 22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Krishan et al. (U.S. Patent No. 6,442,529). Claims 10 and 21 have been canceled thereby rendering the above rejection to those claim moot. Additionally, claim 20 and 22 depend from independent claim 17. As noted above, Long fails to disclose or suggest all the features of independent claim 17 (as amended). Additionally, Krishan fails to overcome the deficiencies noted above in Long. Accordingly, no combination of Long and Krishan would result in, or otherwise render obvious, claims 20 and 22 at least by virtue of their dependencies from independent claim 17.

New claims 38-44 are also believed to be distinguishable over the cited prior art. Specifically, claims 38-44 correspond respectively to independent claims 1, 7, 17, 33, 34, 36 and 37; and each claim includes the features of dependent claim 10. At the conclusion of the interview conducted on February 11, 2009, the Examiner indicated that if the independent claims were amended to include the features of claim 9 or 10, the present invention would likely overcome the cited prior art. Accordingly, new claims 38-44 are not anticipated or rendered obvious by the cited prior art.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

Respectfully submitted,

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